7371955/2023/REG-PRRD-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – R.W.S. & S. Department – Disciplinary proceedings initiated against Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I for his un-authorized absence in two spells i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 under Rule 9 of A.P. Revised Pension Rules, read with Rule 20 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 – Enquiry conducted - Imposition of penalty of 10% cut in pension for a period of five (5) years against the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON" - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Ms.No.4.

Dated 25.01.2023.
Read the following:-

1. Charge Memo. No.Vig(1)/RWS&S/4017/2012, dated 04.09.2012 of Engineer-in-Chief, RWS&S, Hyderabad.
2. Proc. No.Vig.1/RWS&S/4017/2012, dated 06.01.2015 of Chief Engineer, RWS&S, Hyderabad read with Proc. No.Vig(1)/RWS&S/4017/2012, dated 18.04.2017 of Engineer-in-Chief, RWS&S, Vijayawada.
3. From the Superintending Engineer & Inquiry Officer, RWS&S, Vizianagaram, letter Rc.No.1051/B5/RWS&S/2012, dt.12.12.2018.
4. Memo. No.Vig.(1)/RWS&S/4017/2012, dated 14.02.2019 of Engineer-in-Chief, RWS&S, Vijayawada.
5. From Sri D.V.V.A.N.Raju, the then Asst. Engineer (Retd.), RWS&S of Zone-I written representation dated 11.03.2019.
6. From the Engineer-in-Chief, RWS&S, Vijayawada, letter No.Vig.(1)/ RWS&S/4017/2012, dated 10.04.2019.
7. Govt. Memo. No.2652/Vig.VI/2019, dated 10.02.2022 of P.R. & R.D. (Vig.VI) Department.
8. From Sri D.V.V.A.N.Raju, the then Asst. Engineer (Retd.), RWS&S of Zone-I, written representation dated 04.04.2022 received through letter No.Vig(I)/RWS&S/1125067/2020, dated 28.04.2022 of Engineer-in-Chief, RWS&S, Vijayawada.
9. Govt. Letter No.2652/Vig.VI/2019, dated 09.12.2022 of P.R. & R.D. (Vig.VI) Department.
10. From the Secretary, A.P.Public Service Commission, Vijayawada, letter No.GAD03-APPS0DCC/125/2022-DC SEC-APPSC (Computer No.1937729), dated 11.01.2023.

* * *

O R D E R:

Whereas, in the reference 1st read above, the Engineer-in-Chief, RWS&S, Hyderabad has initiated disciplinary proceedings duly framing the following Articles of Charge against Sri D.V.V.A.N.Raju, Asst. Engineer, RWS&S of Zone-I under Rule-20 of A.P. Civil Services (Classification, Control & Appeal) Rules, 1991, with a direction to submit his written statement of defence:-

Charge:

"That Sri D.V.V.A.N.Raju, Asst. Engineer, RWS&S of Zone-I has absconded from duties without proper permission and without proper sanction of leave from competent authority and got himself continued under wilful unauthorized absence for a period of five years".

2. And whereas, no written statement of defence has been received from the charged officer, the Engineer-in-Chief, RWS&S has issued orders appointing the

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Superintending Engineer, RWS&S., Vizianagaram as an Inquiry Officer to conduct regular inquiry into the charge framed against the Charged Officer Sri D.V.V.A.N.Raju, the then Asst. Engineer (i.e., the charge which was framed vide reference 1st read above, and subsequent un-authorized absence of the individual from 05.03.2013 onwards), vide reference 2nd read above.

3. And whereas, in the reference 3rd read above, the Superintending Engineer & Inquiry Officer, RWS&S, Vizianagaram has submitted his Inquiry Report, holding that the charge (i.e., the charge which was framed vide reference 1st read above, and subsequent un-authorized absence of the individual from 05.03.2013 to 30.06.2018) was held proved, as there is no prior permission and proper sanction of leave from the competent authority.

4. In the reference 4th read above, the Engineer-in-Chief, RWS&S, Vijayawada has communicated a copy of the Inquiry Report to the charged officer Sri D.V.V.A.N.Raju, the then Asst. Engineer with a direction to submit his written representation, if any, on the findings of Inquiry Officer.

5. In the reference 5th read above, the charged officer Sri D.V.V.A.N.Raju, the then Asst. Engineer has submitted his written representation and stated among others that due to his personal and health problems, he could not taken prior permission and sanction of leave from the competent authority and requested to exonerate from the charge framed against him.

6. In the reference 6th read above, the Engineer-in-Chief, RWS&S, Vijayawada has requested the Government to issue final orders in the matter, being the competent authority, as the Charged Officer Sri D.V.V.A.N.Raju, the then Asst. Engineer, RWS&S was retired from service on 30.06.2018 on attaining the age of superannuation.

7. The written representation of the charged officer has been examined and observed that the un-authorized absence of the individual is larger period i.e., in two spells (1) from 22.05.2007 to 30.04.2012 and (2) from 05.03.2013 to 30.06.2018. The individual did not submit any valid reasons for his un-authorized absence. In his leave applications which were submitted for only certain short periods he only mentioned simple reasons such as personal problems, family affairs, ortho problems etc. Even for those short periods, he never requested for sanction of any specific kind of leave i.e., Earned Leave, Half Pay Leave, Extraordinary Leave etc. For the un-authorized period of absence from 05.03.2013 onwards, he did not make any effort to report for duty and remained under un-authorized absence continuously till the date of his retirement on superannuation on 30.06.2018. The individual was permitted to retire from service by the Engineer-in-Chief, RWS&S on 30.06.2018, while he was under un-authorized absence. Therefore, the un-authorized absence of the individual for the period from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018, is intentional, willful and without any valid reasons, and held proved during regular inquiry. Therefore, Government have provisionally decided to impose a penalty of 40% cut in pension permanently, under Rule-9 of A.P. Revised Pension Rules, 1980, besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON", as the charge framed against him was held proved in the inquiry. Accordingly, in the reference 7th read above, a Show Cause Notice was issued to the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I under Rule 9 of A.P. Revised Pension Rules, 1980 with a direction to submit his written representation, if any, on the proposed punishment.

8. In the reference 8th read above, the charged officer Sri D.V.V.A.N.Raju, the then Asst. Engineer (Retd.), RWS&S of Zone-I in his written representation has stated among others that, due to his personal health problems, he could not able to obtain prior permissions before proceeding on leave. His mental ill-health had not

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supported to him to do things properly. After a prolonged treatment on mental ill-health, he was on unauthorized absence on certain periods and retired from service. For the reasons stated supra and considering his mental status, the charged officer has requested to sanction the eligible leave and requested to condone and regulate the periods of absence as EOL on medical grounds or any other leave admissible, so as to submit his pensionery benefits proposals, as he has no further income to survive on, at this age except by pensionery benefits.

9. Government after careful examination of the written representation of the charged officer have observed that the individual has retired from service on 30.06.2018. Considering his mental ill health conditions and no further income to survive on at this age except by pensionery benefits, it has been provisionally decided to impose a penalty of 10% cut in pension for a period of five (5) years against the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON", in terms of Rule 9 of A.P. Revised Pension Rules, 1980. Accordingly, in the reference 9th read above, the Secretary, A.P. Public Service Commission was requested to obtain and communicate the concurrence of the A.P. Public Service Commission on the Government's proposal i.e., imposing a penalty of 10% cut in pension for a period of five (5) years against the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON".

10. In the reference 10th read above, the Secretary, A.P. Public Service Commission has informed that the Commission agreed with the proposal of the Government, to impose a penalty of 10% cut in pension for a period of five (5) years against Sri D.V.V.A.N.Raju, the then Asst. Engineer, RWS&S of Zone-I and now retired and advised accordingly.

11. Government have examined the entire matter carefully and decided to impose a penalty of 10% cut in pension for a period of five (5) years against the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON". Accordingly, Government hereby impose a penalty of 10% cut in pension for a period of five (5) years against the charged officer Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I besides treating the period of absence of the individual i.e., from 22.05.2007 to 30.04.2012 and from 05.03.2013 to 30.06.2018 as "DIES NON", as the charge which was framed against him, vide reference 1st read above, and subsequent un-authorized absence of the individual from 05.03.2013 to 30.06.2018 was held proved in the inquiry.

12. The Engineer-in-Chief, RWS&S, Vijayawada shall take further necessary action in the matter, accordingly.

13. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri D.V.V.A.N.Raju, the then Assistant Engineer (Retd.), RWS&S of Zone-I
through the Engineer-in-Chief, RWS&S, Vijayawada.
The Engineer-in-Chief, RWS&S, Vijayawada.

(P.T.O)

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Copy to:
The Secretary, A.P. Public Service Commission, Vijayawada.
The Principal Accountant General (A&E), A.P., Vijayawada.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER